

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:03CR14**

UNITED STATES OF AMERICA)	
)	
vs.)	
)	
KEMUEL CORNELIUS MINGO,)	ORDER
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on Defendant's Motion for Sentencing Transcript, filed September 21, 2005 [Document # 87].

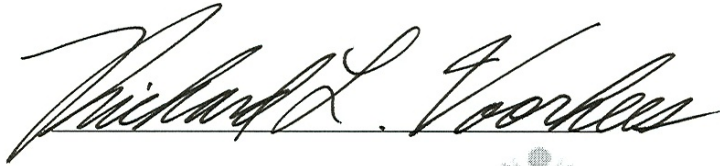
On November 5, 2003, a jury found Defendant guilty on all three counts in the Bill of Indictment. Specifically, the jury found Defendant guilty of possession of a handgun by a convicted felon, in violation of 18 U.S.C. § 922(g)(1), possession of cocaine base with intent to distribute, in violation of 21 U.S.C. 841, and possession of a firearm during and in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1). On June 4, 2004, prior to his sentencing, Defendant filed a Notice of Appeal. This Court, on July 25, 2005, sentenced Defendant to 120 months on Count One, 262 months on Count Two, to run concurrently with Count One, and 60 months on Count Three, with the terms to run consecutively with Counts One and Two. Defendant was also ordered to pay an assessment of \$300. On August 3, 2005, which was subsequent to his sentencing hearing but prior to the entry of judgment, Defendant filed a Notice of Appeal. Judgment was entered on September 2, 2005. Subsequently, on October 17, 2005, the United States Court of Appeals for the Fourth Circuit appointed attorney Eric Bach to represent Defendant in his appeal.

In his Motion, Defendant requests a copy of his sentencing transcript for purposes of preparing for his appeal. As an initial matter, the Court notes that Defendant made his request prior to the assignment of appellate counsel. Defendant is now represented by Mr. Bach for purposes of Defendant's appeal. Therefore, Defendant's recourse to receive a copy of his sentencing transcript would be to contact his attorney and request such information, presuming that Defendant has not already been provided with his sentencing transcript.

IT IS, THEREFORE, ORDERED that Defendant's Motion for Sentencing Transcript is hereby **DENIED**.

The Clerk is directed to send copies of this Order to Defendant, defense counsel, and the United States Attorney.

Signed: December 16, 2005

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge



